



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Thermacor Process, Inc.

File: B-258248

Date: September 15, 1994

DECISION

Thermacor Process, Inc. protests the specifications used by the Central Intelligence Agency for the North Side Utilities Partial Replacement Project.

We dismiss this protest on the basis that the protester is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988 and Supp. V 1993), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Since Thermacor is only a supplier to a prospective contractor under this solicitation, and is not an actual or prospective offeror, the protester lacks the direct economic interest required to maintain a protest.

Ronald Berger
Ronald Berger
Associate General Counsel